DOCUMENT RESUME

ED 346 423 CG 024 332

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TITLE Recidivism: What Is It?
PUB DATE 22 Aug 91
NOTE 15p.; Paper presented at the Annual Meeting of the Society for the Study of Social Problems (Cincinnati, OH, August 22, 1991).
PUB TYPE Reports - Research/Technical (143) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS College Students; *Crime; *Criminal Law; *Definitions; Higher Education; *Recidivism; *Student Attitudes

ABSTRACT

There are several definitional problems inherent in the concept of "recidivism," some of which can be illustrated by comparing use of the term in the professional literature with students' definitions of the term. Thirty professional sources were reviewed to study the definitions of recidivism. Some sources provided more than one definition. When divided by segments of the criminal justice system, 19 definitions could occur before the crime has been discovered or reported; 7 occur at the Police section; 13 at the Court section; 13 at the Corrections section; and 4 occur after the offender has left the institution. College students (N=147) from criminology and corrections classes were asked for their definitions of recidivism. Approximately 20% of the students did not know what the term meant. About 23% gave mainly incorrect definitions. Nine students gave definitions that could be mapped at the Police section of the system; 7 gave definitions at the Court section; and 67 students gave definitions at the Corrections section. These findings suggest that both professional and student sources have unclear, inconsistent definitions of recidivism. The majority of the professional definitions occurred before the Corrections section, while the majority of the student definitions occurred during the Corrections section. It may be concluded that the term "recidivism" should be clearly defined whenever it is used and should only be used to describe some type of convicted reinvolvement in crime. (NB)

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Recidivism: What Is It?

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Prepared for delivery at the Annual Meeting of the Society for the Study of Social Problems, Cincinnati, Ohio

August 22, 1991

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Recidivism: What Is It?

Introduction

In criminal justice education, the concept of "recidivism" occurs rather frequently. It is discussed in classrooms, used as a measure of success or failure for correctional programs and included as a component in the U.S. Parole Commission's Salient Factor Score. But is there agreement on how this term is defined? This paper will examine the definitional problems inherent in the concept of "recidivism" by comparing its usage in the professional literature with students' definitions of the term.

Researching the definitions of "recidivism" offers support for one of the basic guidelines of the research process, the operationalizing of research concepts. The definition of the concept will depend on the focus of the research. The research focus will influence the uses to which the results can be applied. For example, the definition and research application will be different if the researcher is studying offenders who have repeated their criminal behavior after being released from a county jail, from research into those who have served sentences in prison before release. The definition and application would be different if the research included only arrests for a new crime or new convictions for the same crime. Finally, how long does an offender need to be free of crime before we no longer consider the next law violation a recidivistic act? These factors of place of

confinement, type of crime and length of time are only a few of the dimensions of recidivism which influence its definition. Thus current and future professionals in the field of criminal justice need to be made aware of the importance of clearly defining research concepts and the dangers inherent in assuming a common definition. This research will examine if the concept of "recidivism" has a common core and the problems caused by using the same term in many different situations.

Research: Professional

Statistics show that some offenders return to crime, regardless of their involvement in the criminal justice system. Society often uses this fact as a rationalization for punishing convicted offenders with longer sentences. In many states this has resulted in prison overcrowding and court ordered population caps which force states to release offenders. Historically, Gillin (1935:33-36) noted that

> "One of the most serious problems is that of the criminal repeater...it raises the important question of why individuals who have fallen into crime and have suffered punishment are not thereby deterred from a repetition of the offense..."

In this century we have tried numerous programs and policies to lower the rate of repeat offenders. Societal and criminal justice attitudes have fluctuated between a conservative-punitive orientation and a liberal-reform orientation. The United States

has gone through a period when the death penalty, as it was being applied, was considered unconstitutional. Yet we still have first time as well as repeat offenders. As Prassel (1979:137) said

> "The true significance of recidivism... is finally becoming known in the United States. Remarkably high rates of American recidivism obviously cast much suspicion upon the validity of current correctional practices."

A number of authors have tried to clear up the definitional problem of the term, "recidivism." One example is the outline format found in Barlow's (1981) criminology text.

> "There are actually a number of different ways of picturing recidivism, and it is a criticism of existing approaches that this fact has not been adequately emphasized. To illustrate, let us imagine a hypothetical offender, George, who has been arrested and convicted of armed robbery and has gone through the correctional process, including specific efforts to reform and rehabilitate him. Now it is possible that one or more of the following statements will apply to George. During the rest of his lifetime, George
> (1a) never again commits armed robbery.
> (1b) commits armed robbery once again.
> (1c) commits armed robbery more than once again.
> (2a) never commits an offense similar to armed robbery (that is, one involving instrumental use of violence).
> (2b) commits a similar offense once.
> (2c) commits a similar offense more than once again.
> (3a) never commits a more serious offense than armed robbery.
> (3b) commits a more serious offense once.
> (3c) commits a more serious offense more than once.
> (4a) never commits a less serious offense than armed robbery.
> (4b) commits a less serious offense once.
> (4c) commits a less serious offense more

> than once.
> ...Now consider various recidivism possibilities. If George belongs in categories 1a,2a, 3a, and 4a he has clearly not relapsed into crime of any sort. He might be called "absolutely reformed" or "absolutely rehabilitated," depending on the context of correctional efforts. On the other hand, George might fall into the combined categories 1c,2c,3c, and 4c. In this case we have a disaster: George has not only relapsed into the same crime more than once, but into similar crimes, more serious crimes, and less serious crimes as well. In between these two extremes there are seventy-nine other possibilities.

Others, such as D.J. Champion (1990:62-63), use Maltz's (1981) definition of recidivism, which is "the reversion of an individual to criminal behavior after he or she has been convicted of a prior offense, sentenced and (presumably) corrected."

> "However, recidivists may also be (1) parolees who violate one or more terms of their parole and are returned to prison (Chown and Davis, 1986), (2) probationers who violate one or more terms of their probation and are sentenced by the judge to jail or prison (Roundtree, Edwards, and Parker, 1984), (3) those who fail to complete their rehabilitation or vocational/technical training programs (Andersen and Andersen, 1984),(4) those who are rearrested for new offenses but not necessarily convicted (Delaware Executive Department, 1984),(5) those simply "returned to prison" (Clarke and Crum,1985), or (6) those who are convicted of new offenses (Hoffman and Beck, 1985).

It is obvious from the above quotation that "recidivism," as the term is currently used, can occur at a number of points in the criminal justice system depending on the definition used. It can occur at the arrest stage for new offenses, at the court stage for

the convicted offender and at the corrections stage for those who violate the terms of their parole. With the wide range of points at which recidivism can occur, it is no wonder that its meaning is often misinterpreted by the reader.

Allen and Simonsen (1989:693) define recidivism as "the repetition of criminal behavior; habitual criminality." They further contribute to the above discussion when they state that

> "In statistical practice, a recidivism rate may be any of a number of possible counts of instances of arrest, conviction, correctional commitment, and correctional status changes, related to the numbers of repetitions of these events within a given period of time..."

Some feel that we need to standardize the definition of recidivism. One such organization is the National Advisory Commission on Criminal Justice Standards and Goals. They note in their volume Corrections (1973):

> "Recidivism is measured by (1) criminal acts that resulted in a conviction by a court, when committed by individuals who are under correctional supervision or who have been released from correctional supervision within the previous three years, and by (2) technical violations of probation and parole in which a sentencing or paroling authority took action that resulted in an adverse change in the offender's legal status."

Note that this definition adds two additional criteria to the definition of recidivism. One is that the criminal act has to have occurred in the last three years, and the other is that it has to result in an adverse change in the offender's legal status.

Finally, a basic problem with the term recidivism is seen in Barlow's criminology text (1981:454), when he states

> "most studies of recidivism look at the proportion of offenders released from prison who are subsequently rearrested and/or returned to prison. Needless to say, this approach uncovers only those offenders who have been unfortunate enough to get caught."

The present research used thirty (30) professional sources including textbooks, journals and dictionaries to study the definitions of recidivism. Figure I gives the reader the results of this research. The definitions are mapped on the continuum of the criminal justice system: police, courts and corrections. Note that the number of responses adds up to more than 30. The reason is that some sources gave two or more definitions.

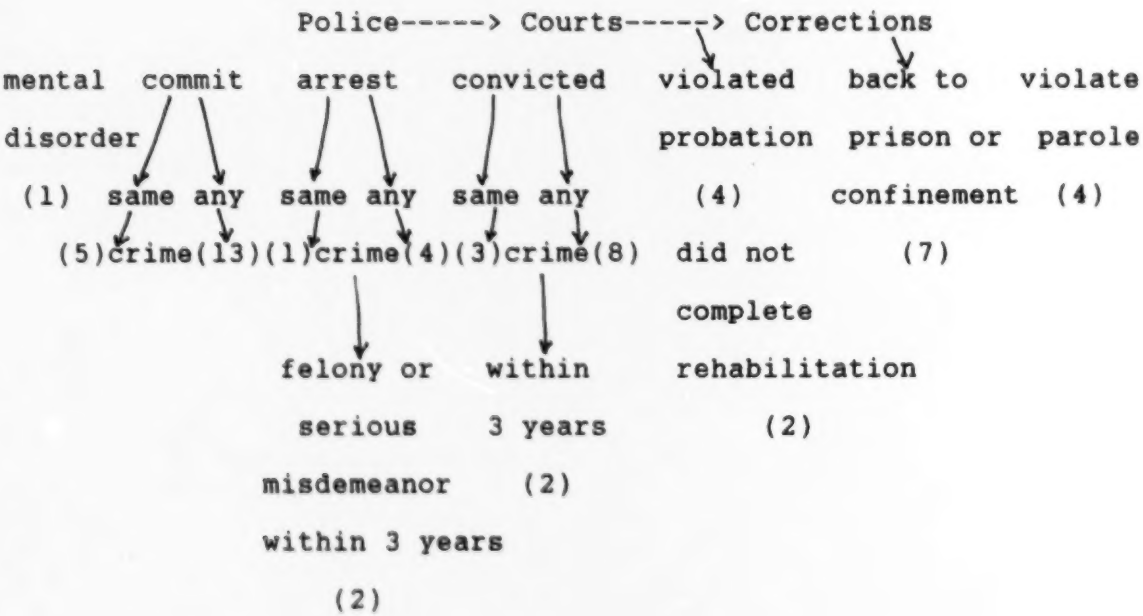
It is easy to see that the definitions uncovered can be mapped over the entire system. The definitions range from behavior which occurs prior to entrance into the CJ system (unreported crime) to behavior which occurs after release from confinement (violated parole). When divided by segments of the CJ system, 19 definitions could occur even before the offender's crime has been discovered and/or reported. Seven definitions occur at the Police stage, 13 at the Court stage and 13 at the Corrections stage. Finally, four occur after the offender has left the institution.

This figure easily points out the variety of possible definitions of "recidivism" and shows how critical it is for the researcher to define this term. In some of the sources included in this research the term was used but not defined. This could be

because the authors felt their readers were familiar with the term or because they were not aware that the term could have more than one meaning. Other sources gave a very clear cut definition of "recidivism." Totally incorrect interpretations of research results can occur if the definition is left to the reader.

Figure 1

Professional Sources



Research: Student

Defining "recidivism" is not only a problematic subject for the academic community, but also for college students. In order to get an idea of student's definitions 147 Appalachian State University students from criminology and corrections classes were sampled. They were mainly sociology and criminal justice students. The results of this survey can be seen in Figure 2.

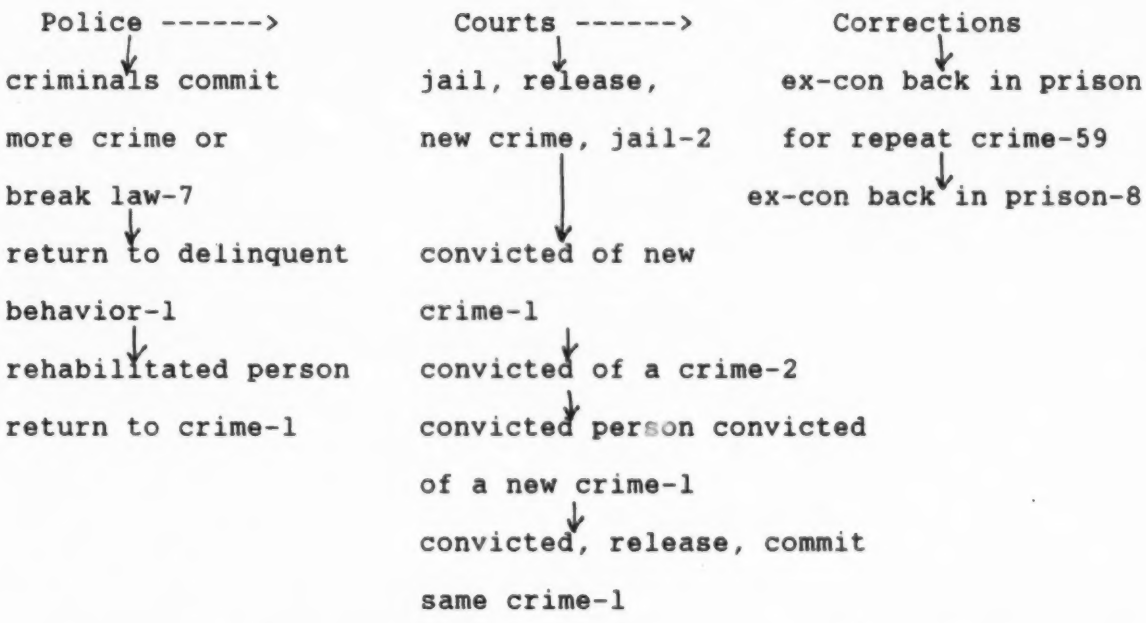
It is noteworthy that about 20% of the total student sample (31% of the criminology students and 18% of the corrections students) did not know what the term meant. About 23% of the students gave mainly incorrect definitions. The criminology students gave these definitions: redividing of a class, something declining or going down, making decisions over and over but no conclusion and turn-over rate. For the corrections students the incorrect definitions included: facing consequences of actions, help people be corrected, falling back, making right by changing, type of reform, split idea, division between classes, actions of a group, qualities of counseling and inability of prisoner to have a great time while in prison.

Figure 2 places these definitions on the continuum of the criminal justice system. Nine of the students gave definitions which could be mapped at the Police section of the system, and seven students gave definitions which could be mapped at the Court section. The remaining sixty-seven students gave definitions which could be mapped at the Corrections section of the system.

Thus among those students who should have some idea what "recidivism" means, only slightly more than one-half would fall into this category.

Figure 2

Student Sources


Police ------>
criminals commit more crime or break law-7
return to delinquent behavior-1
rehabilitated person return to crime-1
Courts ------>
jail, release, new crime, jail-2
convicted of new crime-1
convicted of a crime-2
convicted person convicted of a new crime-1
convicted, release, commit same crime-1
Corrections
ex-con back in prison for repeat crime-59
ex-con back in prison-8

In conclusion, both the professional and the student sources have unclear, inconsistent definitions of "recidivism." The professional sources covered an even wider range of definitions than the students surveyed. The majority of the professional definitions occurred before the corrections stage, while the majority of the student definitions occurred during the corrections stage. Thus, for professional sources, the most

common definition is "committing another crime or repeat offender," while for students, it is "an ex-con back in prison for a repeated crime." A lot can happen to offenders between these two definitions.

Conclusions and Implications

As is mentioned earlier, researchers have used measures of "recidivism" to evaluate correctional philosophies and programs. This has led to increased punishment for some offenders and alternative sentences, such as house arrest, for others. However, we have yet to discover an approach or program which has been completely successful in eliminating the repeat offender. As Klein (1988:279-81) stated

> "There is little agreement as to what constitutes recidivism. There is little research to suggest what the base rate of recidivism is, which is necessary to compare the rate of recidivism of those who receive alternative vs. nonalternative sentences. Some studies suggest that 2/3 of state inmates reoffend upon release. Does this mean that if only 50% of those with comparable crimes and backgrounds given alternative sentences reoffend, alternative sentences prevent recidivism? Finally, there is almost no research involving an experimental design that has tested alternative sentences to document recidivism rates."

Regardless of whether researchers support traditional confinement or alternative sentences their evaluation of any philosophy or program will have limited usefulness unless they

clearly define what they mean by "recidivism." As Hartjen (1978:158) stated

> "Typically researchers use some measures of recidivism (reinvolvement in crime) to evaluate the relative merits of various correctional tactics. This measure, while in common use, suffers from a number of defects(Schnur,1958a). First, it imposes technical difficulties. For example, it has yet to be decided what is the best measure of recidivism to use. Also, the time lag and sample loss characteristic of long-term follow-up studies afflict all inquiries of this kind. And the difficulty determining whether or not individuals who do not acquire rearrest or conviction records have actually remained free from reinvolvement altogether or have just not been caught at it has not been surmounted."

The concept of "recidivism" is also used in criminal justice education. Introductory classes, as well as courses in corrections and judicial process, deal with the repeat offender. If we want educated students working in the criminal justice system or even voting on relevant bond issues intelligently, they need to be made aware of the problems associated with the term "recidivism."

The surveys included in this paper are not meant to be scientifically pure. They are not based on a representative or random pool of professional sources or students. The results do, however, serve to highlight the scope of the problem encouraged by the use of various definitions of "recidivism."

In conclusion, "recidivism" is a concept which is widely used in the criminal justice system and the academic community. But until a clear and consistent definition is agreed upon, the use of

this term will cause confusion. It is important that researchers clearly define what is being examined whenever this term is used. They cannot assume that everyone holds a common definition. In an attempt to eliminate some of the confusion, this author would like to propose that the term "recidivism" only be used to describe some type of proven return to criminal behavior or, more concisely, a convicted repeat offender. It should not be used to define citizens who have only been arrested for an offense or used to describe the technical, noncriminal violations of probationers or parolees. Nor should it be used to describe those offenders who fail to complete their rehabilitation, vocational or technical training programs. Even after eliminating these categories of offenders, however, it would still not be totally clear what it means to be a "recidivist." Is it someone who is convicted, fined, incarcerated or reincarcerated for the same or a different offense over what period of time? An additional qualifier such as pre-prison recidivist or post-prison recidivist would help to clear up the meaning of the term. In any case, the term "recidivism" should be clearly defined whenever it is used and it should only be used to describe some type of convicted reinvolvement in crime.

References

1. Allen and Simonsen, Corrections in America 5th Ed. Macmillan Publishing Co.,New York, 1989.

2. Barlow, Hugh D., Introduction to Criminology 2nd Ed. Little, Brown and Co., 1981.

3. Champion, Dean J., Corrections in the United States, Prentice Hall 1990.

4. Gillin, John Lewis, Criminology and Penology, D. Appleton-Century Co., 1935.

5. Hatjen, Clayton A., Crime and Criminalization, Holt, Rinehart and Winston/Praeger, New York, 1978.

6. Klein, Andrew R. Alternative Sentencing: A Practitioner's Guide, Anderson Publishing Co., Cincinnati, 1988.

7. National Advisory Commission on Criminal Justice Standards and Goals, Vol. Corrections, 1973.

8. Prassel, Frank R., Criminal Law, Justice and Society, Goodyear Publishing Co., 1979.